



# CITY OF MEMPHIS

## COUNCIL AGENDA

April 1, 2008

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (March 18, 2008)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

## CONSENT AGENDA

### GENERAL ORDINANCE - FIRST READING

1. **ORDINANCE** amending previous Ordinance 4388, Codified as City Code, Title 6, Chapter 6-92, Section 6-92-1. ET SEQ., so as to revise Section 6-92-11, Subsection (A) to allow said Title 6, Chapter 6-92 to remain in full and effect until September 23, 2008, up for F I R S T reading.

Collins

Ordinance No. 5258

ACTION REQUESTED: Adopt the ordinance on First reading

### GENERAL ORDINANCE - SECOND READING

2. **ORDINANCE** to amend Chapter 2, Article XI, Code of Ordinances, City of Memphis, as to add an annual adjustment to the Living Wage, up for S E C O N D reading.

Halbert

Ordinance No. 5257

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

**ENGINEERING**

3. RESOLUTION accepting SCENIC HILLS SUBDIVISION SECTION B THIRD AMENDMENT, and authorizing release of bond.

(Contract No. CR-114)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located north of Whitney Avenue and west of New Allen Road. The standard improvement contract was approved on July 19, 1988. Resolution also authorizes the release of the Letter of Credit and the time certificate of deposit totaling \$33,200.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

4. RESOLUTION approving final plat of FEDEX HEADQUARTERS MEDIAN MODIFICATION.

Contract No. CR-5105

Resolution approves the final plat located on the Avenue of commerce, north of Winchester Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**NOTATIONS FROM OPD**

5. NOTATIONS from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 07-332 – AIRWAYS INDUSTRIAL PLANNED DEVELOPMENT

Located on the northeast corner of Stateline Road and Airways Boulevard, containing 48.181 acres in the Single Family Residential (R-S8) & Multiple Dwelling Residential (R-ML) Districts

Applicant: William H. Thomas, Jr.  
Fisher & Arnold, Inc. – Jud TePaske – Representative

Request: Planned development to permit industrial warehouse uses

LUCB and OPD recommendation: APPROVAL, with conditions



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## MLGW FISCAL CONSENT

6. RESOLUTION approving Change No. 5 to Contract No. 11016, Drug and Alcohol Collection Provider, with True Test Collection in the funded amount of \$28,000.00. (This renews the contract for the third renewal term, May 6, 2008 through May 5, 2009.)
7. RESOLUTION approving Change No. 2 to Contract No. 11097, Grounds and Landscaping Services, with Environmental Landscape in the funded amount of \$74,997.00. (This renews the contract for the second renewal term, April 5, 2008 to April 4, 2009.)
8. RESOLUTION approving Change No. 1 to Contract No. 11164, Assessment of Polychlorinated Biphenyls Contamination, with Center for Toxicology and Environmental Health, LLC, in the funded amount of \$400,000.00. (This renews the contract for the first renewal term, April 20, 2008 through April 19, 2009.)
9. RESOLUTION approving Change No. 1 to Contract No. 11190, Mowing/Grounds Maintenance Well Lots, with Bean & Prince Contractors, Inc. in the funded amount of \$59,608.69. (This renews the contract for the first renewal term, May 17, 2008 to May 16, 2009.)
10. RESOLUTION awarding contract for Data Warehouse Software to InfoSol, Inc. in the amount of \$36,160.00.
11. RESOLUTION awarding contract for natural gas odorant to Arkema, Inc. in the amount of \$108,000.00.
12. RESOLUTION approving payment of 2008 annual pipeline safety inspection fee to Tennessee Regulatory Authority in the amount of \$78,000.00.

B. Case No. UV 08-03

containing

Located on the southeast corner of Summer Avenue and Waring Road,  
36,154 square feet or .83 acre in the Highway Commercial (C-H) District

Applicant: Car Wash USA  
Michael J. Fahy – Representative

Request: Car Wash

LUCB and OPD recommendation: APPROVAL, with conditions

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: April 15, 2008**



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## REGULAR AGENDA

13.  
Flinn

### APPOINTMENTS

#### MEMPHIS AND SHELBY COUNTY MUSIC COMMISSION

##### Appointments

Tonya D. Butler  
Jeffrey D. Lee

#### MEMPHIS AND SHELBY COUNTY PARKING AUTHORITY

##### Reappointment

Odell Horton, Jr.

### GENERAL ORDINANCES – THIRD AND FINAL READING

14. **ORDINANCE** to amend Cable Franchise Ordinance No. 4159, Granting AOL Time Warner, Inc., an extension of its Franchise Ordinance through December 16, 2008, up for T H I R D and F I N A L reading.

Morrison

Ordinance No. 5255

ACTION REQUESTED: Take whatever action Council deems advisable

15. **ORDINANCE** amending Substitute Ordinance No. 5046 to expand the definition of emergency in order to permit MLGW to promptly respond to safety and regulatory compliance issues and to enter into time sensitive natural gas purchases and derivative instruments, up for T H I R D and F I N A L reading.

Ware

Ordinance No. 5256

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

**DIVISION OF FIRE SERVICES** (None)

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

16. RESOLUTION amending the FY 08 Capital Improvement Budget by transferring a previous allocation of \$250,000.00 funded by G.O. Bonds-General from the North Main Townhomes project, CD01073 to Genesis Estates, CD01063, for contract construction (infrastructure improvements) to the Genesis Estates Subdivision to develop 56 units of middle income housing.

Ford

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES**

17. RESOLUTION amending the Living Wage Rate for City of Memphis part-time/temporary employees aged 18 and up shall be a minimum of Twelve Dollars (\$12.00) per hour effective July 1, 2008. (Held from 3/18)

Flinn

ACTION REQUESTED: Adopt the resolution

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**PARK SERVICES** (None)

**DIVISION OF POLICE SERVICES**

18. RESOLUTION to amend the Fiscal Year 2008 Operating Budget for Police Services to purchase Media Campaign for recruiting for Police Officers for a total cost of \$300,000.00 in Material & Supplies. Monies to be transferred from Personal Services.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

19. RESOLUTION amending the FY 2008 Capital Improvement Budget by transferring an allocation and appropriating \$1,659,205.00 funded by G.O. Bonds (Storm Water) from Drainage-ST, project number ST03006 to Wolf River Bank Stabilization, project number ST03093, for stabilization of the North and South banks of Wolf River and for a construction contract with Choctaw Transportation Company, Inc.

Morrison

ACTION REQUESTED: Adopt the resolution

## **ZONING ORDINANCE – THIRD AND FINAL READING**

20. **ORDINANCE** amending the Zoning Text Amendment on Nonconforming Uses, up for T H I R D and F I N A L reading.

Lowery

Ordinance No. 5242  
Case No. ZTA 07-002cc

Applicant: Office of Planning & Development

Request: Amend Section (B) (6) 16-116-2(F) to specify that cessation of use date to loss of license or permit for 365 consecutive days terminates a nonconforming use

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

### **DIVISION OF PLANNING & DEVELOPMENT**

21. RESOLUTION approving a special use permit located on the southside of U.S. Highway 70 (Summer Avenue); +914.86 feet east of Brunswick road, containing 0.511 acre in the Agricultural (AG) District.

Lowery

Case No. SUP 08-202cc

Applicant: SBA Communications Corp.  
Shawn Massey, CCIM – Representative

Request: Remove existing 110' telecommunication tower and replace with a new 150' tower

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

### **PUBLIC HEARINGS**

22. RESOLUTION approving a planned development located approximately 123 feet southeast of the intersection of Appling and Macon Roads, containing 14 acres in the Agricultural (AG) District.

Lowery

Case No. PD 07-344cc

Applicant: Teranksy, LLC  
SR Consulting, LLC – Representative

Request: A mixed use planned development consisting of 48 single family residential lots (minimum lot size = +4,428 sq. ft.) and two common open space lots in Area A and commercial uses in Area B

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**96 NOTICES MAILED ON MARCH 20, 2008**

23. RESOLUTION approving a planned development located on the west side of N. Thomas Street; +/-98 feet north of T.M. Henderson Avenue, containing 0.85 acre in the Mixed-Use (MU) District.

Lowery

Case No. PD 08-301

Applicant: Edgar T. Miller  
A. Carmichael Johnson – Representative

Request: Planned development to allow a funeral home establishment

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**91 NOTICES MAILED ON MARCH 20, 2008**

24. RESOLUTION approving a street/alley closure beginning on the north side of Clementine Road at its western terminus and proceeding northerly 386.78 feet therefrom, containing 0.355 acre in the Duplex Residential (R-D) and Multiple Dwelling Residential (R-ML) Districts.

Lowery

Case No. SAC 05-614

Applicant: ProUnited Realtors, LLC  
Brunell Gooden – Representative

Request: One (1) year time extension

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**53 NOTICES MAILED ON MARCH 20, 2008**

25. RESOLUTION approving a street/alley closure located between Linden Avenue and Pontotoc Street, containing 0.343 acre in the South Main Special District with Historic Preservation (HP) Overlay on west half of right-of-way.

Lowery

Case No. SAC 06-610

Applicant: Memphis Development A, LLC

Request: One (1) year time extension

LUCB and OPD recommendation: APPROVAL, with conditions



ACTION REQUESTED: Take whatever action Council deems advisable

**15 NOTICES MAILED ON MARCH 20, 2008**

26. RESOLUTION approving a street/alley closure beginning west of N. Front and east of Illinois Central Railroad, containing 9,801 square feet in the Heavy Industrial (I-H) District.

Lowery

Case No. SAC 07-619

Applicant: Craig Mednikow

Request: Street Closure

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**8 NOTICES MAILED ON MARCH 20, 2008**

27. RESOLUTION approving a street/alley closure beginning at the 2<sup>nd</sup> Alley south of Mill Street and west of Front Street, containing 2,450 square feet in the Heavy Industrial (I-H) District.

Lowery

Case No. SAC 07-620

Applicant: Craig Mednikow

Request: Street Closure

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**6 NOTICES MAILED ON MARCH 20, 2008**

28. RESOLUTION approving a street/alley closure located on Stonebrook Circle beginning on the west side of Sandbrook Street and extending +491 feet, containing 40,118 square feet in the Light Industrial (I-L) District.

Lowery

Case No. SAC 07-621

Applicant: Superior Investment, Inc.  
Crown Enterprises, Inc. – Representative

Request: Street Closure

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**13 NOTICES MAILED ON MARCH 20, 2008**

29. RESOLUTION approving a special use permit located on the southwest corner of East Parkway South and Walker Avenue, containing 0.55 acre in the Local Commercial (C-L) District.

Lowery

Case No. SUP 08-203

Applicant: Edgar Flores  
Andre Williams - Representative

Request: Auto Sales and Mechanic Shop

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**73 NOTICES MAILED ON MARCH 20, 2008**

**GENERAL ITEMS**

30. JOINT RESOLUTION of the Board of County Commissioners and Memphis City Council establishing The Memphis and Shelby County Public Safety Commission (MSPSC) to assist with the negotiation of Interlocal Agreements acceptable to The Shelby County Sheriff's Department and The Memphis Police Department to functionally consolidate duplicative units, services and/or function.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION creating a negotiating team to review offers relative to the future use of the Pyramid.

Flinn

ACTION REQUESTED: Adopt the resolution

**PRESENTATIONS AND RECOGNITION OF VISITORS**

32. RESOLUTION thanking Judith Drescher for her dedicated service to the Memphis Public Library System and the citizens of Memphis.

Boyd

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION commending the Fairly High School Marching Band.

Ford

ACTION REQUESTED: Adopt the resolution

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

**ADD-ONS**

34. RESOLUTION congratulating the University of Memphis Tigers Men's Basketball Team.

Ware

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION commemorating April 4<sup>th</sup>, The Anniversary of the Assassination of Rev. Dr. Martin Luther King.

Collins

ACTION REQUESTED: Adopt the resolution

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. Through 4 - Approved
5. Public Hearing set for April 15, 2008
6. Through 13 – Approved
14. Approved, as amended
15. Through 28 – Approved
29. Held to May 6, 2008
30. Approved
31. Approved, as amended
32. Through 35 – Approved

**ACTION TAKEN ON THE MINUTES OF MARCH 18, 2008**

Approved